

**WILLMAR CITY COUNCIL PROCEEDINGS**  
**COUNCIL CHAMBERS**  
**WILLMAR MUNICIPAL UTILITIES BUILDING**  
**WILLMAR, MINNESOTA**

July 18, 2016  
7:00 p.m.

The regular meeting of the Willmar City Council was called to order by the Honorable Mayor Marv Calvin. Members present on a roll call were Mayor Marv Calvin, Council Members Audrey Nelsen, Steve Ahmann, Denis Anderson, Rick Fagerlie, Shawn Mueske, Andrew Plowman, Ron Christianson and Tim Johnson. Present 9, Absent 0.

Also present were City Administrator Larry Kruse, Public Works Director Sean Christensen, Police Chief Jim Felt, Finance Director Steve Okins, Community Education and Recreation Director Steve Brisendine, Planning and Development Services Director Bruce Peterson, and City Attorney Robert Scott.

There were no additions or deletions to the agenda.

Council Member Ahmann offered a motion to adopt the Consent Agenda which included the following items: City Council Minutes of July 5, 2016, Finance/Full Council Minutes of July 11, Willmar Municipal Utilities Board Minutes of July 11, Planning Commission Minutes of July 13, Application to Conduct Excluded Bingo – Pennock Lions Club, Accounts Payable Report through July 13, Community and Activity Center Board Minutes of June 10, 2016. Council Member Anderson seconded the motion, which carried.

At 7:03 p.m. Mayor Calvin opened the Hearing for the consideration of an Ordinance Opting out of Temporary Family Health Care Dwellings. Planning and Development Services Director Bruce Peterson presented the ordinance which was written to allow the City to opt out of legislation that would direct municipalities to deal with temporary health care dwelling units. Mr. Peterson stated most of the communities he is familiar with have already opted out or are in the process of opting out of this legislation. The Council has until September 1<sup>st</sup> to either opt out or stay with the program. Staff and the Community Development Committee have recommended that the Council opt out as it is believed the type of housing units proposed in this legislation are not appropriate for Willmar.. There being no one present to speak for or against the ordinance, Mayor Calvin closed the hearing at 7:07 p.m.

Council Member Fagerlie offered a motion to adopt, assign a number and order final publication of the Ordinance to Opt out of the Requirements of Minnesota Statutes, Section 462.3593 which pertains to temporary family health care dwellings. Council Member Nelsen seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

No one requested to speak during the Open Forum.

The Public Works/Safety Committee Report for July 12, 2016 was presented to the Mayor and Council by Council Member Nelsen. There were five items for consideration.

**Item No. 1**      No public comments were made.

**Item No. 2**      Chief Felt noted the jail census for July 12, 2016 was 126; 43 inmates from the Department of Corrections, 73 inmates from Kandiyohi County and 10 inmates from other counties. The calls for service the previous two weeks totaled 853 and are 8 days ahead of this date last year. The majority of the calls for the previous two weeks were for traffic stops, followed by public assists and suspicious people/vehicles. The Committee discussed the suspicious people/vehicle calls and citizen's gut instincts of noticing something out of place. The Department will be hosting its next Coffee with a Cop event on July 22<sup>nd</sup> at Dunn Brothers Coffee and officers will be available for any of the National Night Out events on August 2<sup>nd</sup>.

The Committee discussed the status of the Appleton Prison with Chief Felt noting opening the prison did not pass the House and Senate and further information could be obtained from Sherriff Hartog.

Chief Hanson noted total Fire Department total calls for service in the previous two weeks totaled 17. The calls included 4 for weather watch, 5 alarm activations, 1 medical assist, 3 car crashes, 1 fire, 2 cooking fires and one smoke in a hallway. The total calls for service this year is 167, compared to 176 calls in 2015. The dispatch to en route time for June was 7 minutes 14 seconds. The Department finished the sprinkler inspection for Rice Rehab, and they anticipate taking patients in the coming week.

Item No. 3 Staff brought forth, for approval, a Joint Powers Agreement between the State of Minnesota, Department of Public Safety, Bureau of Criminal Apprehension and the City of Willmar Police Department to utilize the Criminal Justice Data Communications Network.

The Committee was recommending the Council approve the Joint Powers Agreement between the State of Minnesota, Department of Public Safety, Bureau of Criminal Apprehension and the City of Willmar Police Department to utilize the Criminal Justice Data Communications Network.

Resolution No. 1 was introduced by Council Member Christianson, seconded by Council Member Nelsen, reviewed by Mayor Calvin, and approved on a roll call vote of Ayes 8, Noes 0.

#### RESOLUTION NO. 1

#### RESOLUTION APPROVING STATE OF MINNESOTA JOINT POWERS AGREEMENTS WITH THE CITY OF WILLMAR ON BEHALF OF ITS CITY ATTORNEY AND POLICE DEPARTMENT

WHEREAS, the City of Willmar on behalf of its Prosecuting Attorney and Police Department desires to enter into Joint Powers Agreements with the State of Minnesota, Department of Public Safety, Bureau of Criminal Apprehension to use systems and tools available over the State's criminal justice data communications network for which the City is eligible. The Joint Powers Agreements further provide the City with the ability to add, modify and delete connectivity, systems and tools over the five year life of the agreement and obligates the City to pay the costs for the network connection.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Willmar, Minnesota as follows:

1. That the State of Minnesota Joint Powers Agreements by and between the State of Minnesota acting through its Department of Public Safety, Bureau of Criminal Apprehension and the City of Willmar on behalf of its Prosecuting Attorney and Police Department, are hereby approved. Copies of the two Joint Powers Agreements are attached to this Resolution and made a part of it.

2. That the Chief of Police, Jim Felt, or his successor, is designated the Authorized Representative for the Police Department. The Authorized Representative is also authorized to sign any subsequent amendment or agreement that may be required by the State of Minnesota to maintain the City's connection to the systems and tools offered by the State.

To assist the Authorized Representative with the administration of the agreement, Michael Anderson, Police Captain, is appointed as the Authorized Representative's designee.

3. That the City Attorney, Tom Anderson, or his or her successor, is designated the Authorized Representative for the Prosecuting Attorney. The Authorized Representative is also authorized to sign any subsequent amendment or agreement that may be required by the State of Minnesota to maintain the City's connection to the systems and tools offered by the State.

To assist the Authorized Representative with the administration of the agreement, Jeanna Swanson is appointed as the Authorized Representative's designee.

4. That Marv Calvin, the Mayor for the City of Willmar, and Kevin Halliday, the City Clerk, are authorized to sign the State of Minnesota Joint Powers Agreements.

Dated this 18th day of July, 2016.

/s/ Marv Calvin  
Mayor

/s/ Kevin Halliday  
Attest: City Clerk

Item No. 4 Staff brought forth, for approval, Amendment No. 1 for the Fairgrounds Lift Station Professional Services Agreement with Bolton & Menk in the amount of \$7,296.00. Additional services were needed to conclude the Environmental Impact Worksheet submittal to the MPCA by completing a Section 106 review, including historical and cultural forms as required by the Minnesota Historic Preservation Office (SHPO). Funding for the additional professional services will come from the contingency fund within the project. The Committee discussed the specifics of the review and its requirement in regards to the PFA funding of the project. The review has not been previously needed with PFA facility plan requirements, but the funding and plans cannot be approved until the requested review is completed. It was the Committee's recommendation to the Council to approve Amendment No. 1 for the Fairgrounds Lift Station Professional Services Agreement with Bolton & Menk in the amount of \$7,296.00.

Resolution No. 2 was introduced by Council Member Christianson, seconded by Council Member Nelsen, reviewed by Mayor Calvin, and approved on a roll call vote of Ayes 8, Noes 0.

#### RESOLUTION NO. 2

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the City Administrator of the City of Willmar are hereby authorized to enter into an amendment to the professional services contract between the City of Willmar and Bolton and Menk, Inc. for the Fairgrounds Lift Station. The amendment increases the contract amount by \$7,296.00.

Dated this 18th day of July, 2016.

/s/ Marv Calvin  
Mayor

/s/ Kevin Halliday  
Attest: City Clerk

Item No. 5 The Committee discussed if any additional quiet zones will be placed at railroad crossings in the City. Staff noted there are none planned at this time in the CIP and discussed the high expense of this type of project with no true guarantee. Train traffic is projected to change after the Wye project is completed, with less trains coming through Willmar.

The Public Works/Safety Committee Report for July 12, 2016, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Christianson, seconded by Council Member Nelsen. Council Member Ahmann commented on Quiet Zones not being as significantly important as in years past and the impact on train traffic noise from the proposed Wye Project. Staff was asked to keep the Council up-to-date with the status of the Wye Project. The motion to file the minutes carried.

The Labor Relations Committee Report for July 13, 2016 was presented to the Mayor and Council by Council Member Ahmann. There were three items for consideration.

Item No. 1 There were no public comments.

Item No. 2 City Administrator Larry Kruse presented the revised job description proposed by staff for a Storm Water Compliance/Permit Assistant position. The position was referred back to Committee requesting additional information pertaining to cost benefit of the position, rationale, training costs and a more detailed job description. Staff provided this information and included the compensation scoring for the position placing it as a Range 5 of the AFSCME General Unit. Staff stated the MPCA has stepped up its enforcement because MS-4 Communities are now being held to higher standards, primarily in stormwater and right-of-way permitting. Staff presented information related to the value of the position to include the financial implications and the potential to keep the City in compliance with MS-4 legislation.

The Committee discussed the pros and cons of creating the position at length before Council Member Anderson made a motion to approve the Storm Water Compliance/Permit Assistant job description and authorize staff to fill the position. Council Member Mueske seconded the motion. Council Member Mueske offered a friendly amendment to the motion to include the position being reevaluated in twelve months. The Storm Water Compliance/Permit Assistant position will come before the Council with no recommendation as the motion did not pass on a vote of 2 Ayes and 2 Noes, with Council Members Ahmann and Johnson casting the "no" votes.

Item No. 3 City Administrator Kruse requested the Committee consider the addition of the Risk Management duties to the City Clerk job description to include: file, monitor and maintain property, liability and automotive insurance and oversee and administer all non-personnel insurance related issues for the City including maintenance of all certificates of insurance.

The Committee recommended the Council approve the addition of the risk management duties to the City Clerk job description as stated by City Administrator Kruse. Council Member Ahmann moved the recommendation of the Committee. Council Member Anderson seconded the motion, which carried.

City Administrator Kruse informed the Committee the Finance Director job description was changed to reflect updated titles supervised. The job descriptions of Human Resource Director, City Clerk and Finance Director will be scored by the employee committee in the near future after which time advertising can be initiated for the City Clerk and Human Resource Director. All Job Class Grading will be brought to the Committee for information only. It was noted that Council Member Anderson will be assigned to the interview committee for Human Resource Director.

The Labor Relations Committee Report for June 15, 2016, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Ahmann, seconded by Council Member Johnson. Council Member Mueske questioned the item in the minutes related to the Storm Water Compliance/Permit Assistant position asking if it was to be discussed at this meeting. City Attorney Scott stated any member of the Council can make a motion to consider the position, but only after finalizing the motion on the floor to file the minutes. City Attorney Scott stated if it is the City's past practice to act on tie votes from Committee at the time the minutes are read, he would recommend the motion to file the minutes be withdrawn. The motion to file the minutes carried with 6 Ayes and 2 Noes.

City Administrator Larry Kruse presented an application from the new owners of El Tapatio's for an On-Sale Intoxicating Liquor License and On-Sale Sunday Liquor License located at 1111 First Street South. The Willmar Police Department has completed the background, criminal history, property tax and current utilities check on all owners listed on the application. It is staff's recommendation to approve the application for an On-Sale Intoxicating Liquor License and On-Sale Sunday Liquor License for the new owners of El Tapatio's. Council Member Fagerlie moved the recommendation of the staff to approve the liquor licenses. Council Member Ahmann seconded the motion which carried on a roll call vote of 8 Ayes, 0 Noes.

Planning and Development Services Director Bruce Peterson presented a preliminary/final plat for Lake North Fifth Addition. The subdivision is a replat of four residential platted lots into two lots by Terry Quam. Two and one half of the existing lots will make one parcel, and one and one half the other parcel making the remaining lot. A single family home on the larger of the two proposed is planned by the owner. The Planning Commission approved the plats with the condition that utility easements be added per the

request of Willmar Municipal Utilities. Council Member Anderson moved to approve the preliminary/final plat for Lake North Fifth Addition. Council Member Nelsen seconded the motion, which carried.

Council Member Anderson mentioned that the Willmar Downtown Development did send information to be considered in the Local Option Sales Tax proposal which included the reconstruction of Block 50. There were no estimated costs associated with the project contained in the proposal. City Administrator Larry Kruse commented that the Becker Avenue/Block 50 Project was in the initial list that staff proposed for the Local Option Sales Tax and was attached to the agenda for consideration.

City Administrator Kruse presented the four main projects that staff and Council centered around as: Civic Center Improvements (\$3 million), Robbins Island Improvements (\$3 million), Swansson Field Improvements (\$2 million) and Community Center Improvements (\$10-12 million).

Administrator Kruse introduced Architect Richard Engan to speak to the Council about the planning process for significant capital projects. Staff had sought the guidance of Architect Richard Engan and asked that he attend a staff meeting and Monday's City Council meeting to provide the Council with some general guidance on the matter. Engan stated that at this stage in the decision process it is common for government entities to have a targeted amount they plan on investing in needed improvements. Once that funding source is in place, then to engage the community to define specifically what those needs and wants are. This can be accomplished by bringing together representatives of the various interest groups and other interested parties. For some of these capital projects, the targeted amounts may be adequate and others this may be just one of several phases. If it is a phased project, a Master Plan is a good planning tool to have. Engan cautioned not to get too deep into the details at this point and to let the community process guide the projects.

Engan stated he has reviewed the Facility Study and stated it appears deferred maintenance is significant and many of those costs will not go away, not to mention the efficiency savings for new modern products. Engan stated projects listed will need to be addressed in the near future in one way or another. The costs for Willmar residents paying for these improvements via the local property taxes may be cost prohibitive. However putting them on a broader population via a local sales tax makes it more palatable.

Council Member Christianson expressed his concern for future maintenance of a new Community Center and the necessity for street improvements, the number one priority on the survey, and repair of the existing Community Center. Council Member Christianson made a motion that the improvements be as follows: Civic Center Improvements (\$3 million), Robbins Island Improvements (\$3 million), Community Center Improvements (\$1 million), and Roads and Infrastructure with the City (\$10 million) over a ten-year period. The motion died for lack of a second.

Council Member Plowman stated he felt it is the Council's position to come up with the best potential projects to come before the voters to make this investment in the community. He overviewed each of the four projects stating he was in favor of three of them and excluded Swansson Field. He favored Street Improvements as a replacement totaling up to the \$18 with anticipation of any auxiliary costs. Council Member Mueske expressed interest in placing the addition of any finance costs into the resolution.

Council Member Mueske made a motion the projects total \$18 million and include the financing costs on the ballot question. Council Member Anderson seconded the motion.

Council Member Plowman amended the motion to include the line items reading as follows: Civic Center Improvements (\$3 million), Robbins Island Improvements (\$3 million), Street Improvements (\$2 million) and Community Center Development (\$10 million). Council Member Mueske seconded the amended motion. The question was raised as to whether the motion pertains to the resolution or the ballot question. It was construed by City Attorney Robert Scott that the original motion was to add the information about the cost to be raised by the tax in the election ballot. Staff will take this direction and use it in the resolution to be brought back at the next meeting. The ballot language is quoted in the resolution and both motions pertain to the resolution itself by agreement of the mover. Council Member Mueske agreed.

Council Member Nelsen spoke against the amendment questioning the replacement of CIP dollars for the Civic Center Improvements, but not for Swansson Field and the implementation of \$2 million to Street Improvements causing disruption in our current assessment process. Public Works Director Sean Christensen explained under the current assessment policy it could be conceivable to use the tax dollars for “matching funds” on the streets.

Upon a roll call vote for the amended motion which removed Swansson Field from the list of improvements replacing it with Street Improvements the amendment failed on a 4 – 4 vote with Council Members Anderson, Nelsen, Mueske, and Fagerlie casting “no” votes.

The original motion to include the four projects as identified in the resolution plus the total cost to be raised by the tax into the ballot question to be \$18 million plus financing costs carried with a vote of 8-0.

Council Member Nelsen expressed concern with scheduling a meeting with the Curling Club to hear what their proposals are for a facility prior to the August 1<sup>st</sup> City Council meeting. It was the consensus of the Council the Curling Club attend a Community Development meeting to discuss their proposal.

Council Member Mueske questioned how the Council is going to proceed when there is a tie vote at the committee level and requested the item of Storm Water Compliance Officer/Permit Assistant be placed on the next City Council agenda.

Announcements for Council Committee meeting dates were as follows: Finance, 4:45 p.m., City Hall July 25, Public Works/Safety, 4:45 p.m., City Hall July 26, and Community Development Committee, 4:45 p.m., City Hall, July 28, 2016.

Mayor Calvin invited all to join in on the Rockin’ Robbins activities on July 26<sup>th</sup> at Robbins Island and recognized Council Member Nelsen who will be receiving an award from the Coalition of Greater MN Cities for her outstanding achievements.

Council Member Christianson offered a motion to adjourn the meeting with Council Member Anderson seconding the motion, with carried. The meeting adjourned at 9:25 p.m.

Attest:

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MAYOR

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SECRETARY TO THE COUNCIL